

## MAYOR'S POLICE BILL VETO

DO NOT ATTEMPT TO READ  
THE CONSTITUTION

[illegible][illegible]

ment of the city of New York, to terminate the terms of office of the police commissioners of said city to abolish the office of chief of police in said city; to concentrate the functions heretofore exercised by such commissioners and chief in a single commissioner; to provide for the appointment and removal of such

the powers heretofore exercised by said commissioners and to confer such enlarged powers upon such single commissioner and his deputies, to transfer the powers and functions heretofore exercised by the treasurer of the Police Board to the comptroller of the city of New York, and to take from such commissioner the control of the General Bureau of Elections, and to abolish such

This bill abolishes the present board of police commissioners in charge of the Police Department of the city of New York and transfers all their powers to a single commissioner, to be named by the mayor, subject at all times to a power of removal vested not only in the mayor, but also in the governor.

The power of removal which is given to the governor is not limited in any way. It is not a power of removal for cause, and it does not require that the commissioner shall have any opportunity of being heard before his removal. On the contrary, it is a full and complete power vested in a State officer to remove a local officer arbitrarily, without assigning any reason and without affording

The position of the commissioner to be appointed under this bill is, therefore, the although a local officer, his tenure of office at the pleasure of the Governor of the State. Why, it may be asked, if this is the purpose and effect of the act, did not the Legislature in so many words declare that the commissioner of police, although appointed by the mayor, should hold his office during the pleasure of the Governor? The answer is that this would have been an open and bare faced violation of section 3 of Article X of the constitution, which declares that "where the duration of any office is not provided by this constitution it may be declared by law."

It is to evade this section of the Constitution that the bill now before the assembly has been inserted in this bill a provision that the commissioner is to be appointed by the mayor for a term of five years. That this is a forced and meaningless amendment to the bill is apparent from a perusal of the Constitution and a perusal of the bill. It is apparent what it is forbidden to do directly, it is apparent when it is considered that the bill is to be amended to give the mayor the power to appoint any commissioner arbitrarily and without cause at any moment.

the pleasure of the mayor, "the authority making the appointment," as required by the Constitution, but at the pleasure of the Governor, a State officer, a tenure which the Constitution was designed to prevent.

The whole purpose and effect of this disqualification and of the arbitrary power of

pletely nullify the power of appointment, and is not a mere delegation of the power of appointment, which is dominantly given to the mayor. A power of appointment has no force or effect when an appointee holds his office subject to arbitrary removal at any time by some person other than the appointing power, with a perpetual disqualification for his reappointment. No matter how often the mayor makes an appointment, it is always subject to the power of the superior, without assigning any reason or cause therefor, to instantly remove the appointee, and thereby to forever debar his reappointment.

Constitution, which guarantee to the inhabitants of the counties, cities, towns and villages of the State, the right to select their local officers.

By section 2 of Article X, of the Constitution, amongst other things, provided that "all cities, towns and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages or of some division thereof, or appointed by such authorities thereof as the Legislature shall designate for that purpose."

It is to be further declared of this

section that faithfully observed and executed to it in its spirit, as well as in its letter, it effectually secures to each of the governmental divisions of the State the right of choosing or appointing its own local officers without let or hindrance from the State gov-

rights and franchises thus guaranteed to all People ex rel Bolton vs. Albertson, 55 N. Y. 50.) The court further declared in the same case that "An act violating the true intent and meaning of the instrument, although not within the letter, is as much within the

to pursue an effect of a prohibition as such with the strict letter, and an act in evasion of the terms of the Constitution, as properly interpreted and understood, and frustrating its general and clearly expressed or necessarily implied purpose, is as clearly void as

Again, in a case decided last year, the same court said that by the terms of the